

REMARKS/ARGUMENTS

Reconsideration and allowance of the subject application are respectfully requested.

In the amendments above, we have revised claim 12 and submitted formal drawings for Figures 1-8. With entry of this amendment, claims 9 and 11-18 are pending. Claim 12 is revised to address the Examiner's concerns under 35 U.S.C. §112, second paragraph. No new matter is introduced by these formal drawings or by the amendment to claim 12. Entry is therefore requested.

In the August 29, 2003 Office Action, the Examiner rejected claim 12 under 35 U.S.C. §112, second paragraph as allegedly indefinite. The Examiner noted an obvious typographical error. In response, we have amended claim 12 as suggested by the Examiner, and consequently claim 12 is now believed to be free of §112, second paragraph objections.

Claims 9 and 11-18 are rejected under 35 U.S.C. §103(a) as obvious over Gustafsson (U.S. Patent Number 3,776,331) in view of Colletti (U.S. Patent Number 6,112,863). The Examiner has asserted that it would have been obvious to one of ordinary skill in the art to have merely utilized the brake band with projections of Colletti and the housing with a recess of Colletti into the chain saw of Gustafsson, in order to restrict the lateral movement of the brake band within the recess in the housing.

Colletti does teach a sort of braking device. However, this is where the similarity with our own invention ceases, because the Colletti device works on an entirely different principle. Colletti's brake is a free-running device, and is intended by means of wedging to synchronize a rotating shaft with the surrounding housing (with same number of rotations/standstill). In the regard, the braking device has solid protrusions over its whole breadth (relative to the axial direction), which stand in a relative to the axial direction), which stand in a direct working relationship to recesses in the stationary housing. By means of a contraction of the brake element, the latter is guided through the rotating shaft and the solid protrusions engage in recesses in the housing.

Colletti's brake device also includes features such as:

- (1) The protusions on the brake element form the actual brake engagement.

- (2) The protrusions on the brake element extend over the total breadth—the smaller they are, the less the braking effect and stationary period.
- (3) The brake element resembles, in the broadest sense, a spline, and was produced via a pressing and milling process as a shaft profile axially—the protrusions are solid—thus, there is no constant material cross-section, from aspects of length, upon an unwinding of the brake band.
- (4) The protrusions on the brake band do not serve the purpose of centering the brake band in an axial direction.

The Gustafsson patent describes a chain brake with a brake band. The main embodiment relates to the design of the release mechanism. For the actual braking step, a brake band is present, which is held in position axially by means of the loops/shoulders on the brake band (column 3, lines 6-7). Either the loops are separate pieces that were attached to the brake band (for instance, by welding) or the loops are created when one proceeds on the assumption that a broader basic material is made into a raw blank and the loops folded back (for instance, by stamping). In conjunction with other components, these loops hold the brake in axial position. Since the loops are protrusions on the brake band, there is no constant material cross-section in the brake band.

Gustafsson's device also includes features such as:

- (1) Loops are either added or made by stamping.
- (2) There is securing of the loops between several components—there is no single-piece, tool-related bolt.

Turning now to our own invention, our brake band includes raw material that has a constant cross-section over the full length. By means of a cutting/reforming process, we achieve partial protrusions, which serve as an axial means of securing loops for the brake band. For this purpose, nothing needs to be added to, or removed from, the basic material. The particular point is the constant material cross-section. An addition is the one-piece securing device in the housing in the form of staggered carriers or, on the other

U.S. application of ZIEGS, Carsten, Ser. No. 10/068,469
Amendment dated December 1, 2003
Reply to Office Action of August 29, 2003

hand, a bolt, formed through an interchange of the tool halves and without any additional slide.

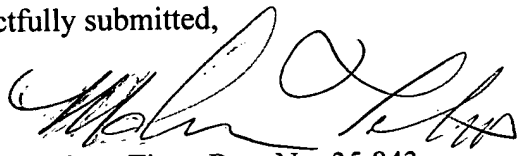
Thus, this rejection of our claims actually combines two patents—Colletti and Gustafsson—that employ entirely different working principles and purposes of usage from each other. Someone having ordinary skill in this art, with these two references in hand, would not have reasonably found our claimed invention obvious therefrom. Therefore, we respectfully submit that none of our claims is rendered obvious from this combination of art, and reconsideration is requested.

In summary, all of the Examiner's outstanding rejections and objections have been addressed, and the application is believed to be in allowable form. Notice to that effect is earnestly solicited. No amendment made was related to the statutory requirements of patentability unless expressly stated herein.

If the Examiner has any questions, please contact applicants' representative Marlana K. Titus at (301) 977-7227 (**please note that this is a new telephone number**).

Respectfully submitted,

By



Marlana Titus, Reg. No. 35,843
Nash & Titus, LLC
6005 Riggs Road
Laytonsville, MD 20882
(301) 977-7227